HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.23687 of 2007

Dated: 06-11-2007

Between:
Ishwar Chandra Sharma.

...
Petitioner

AND
The Divisional Forest Officer,
Giddalur Division,
Giddalur, Prakasam District and two others.

...
Respondents

Counsel for the petitioner: Sri S.Lakshmi Narayana Reddy.

Counsel for the respondents: G.P. for Forest.

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.23687 of 2007

ORDER:

This Writ Petition is filed for a Writ of Mandamus to declare the action of the respondents in seizing the vehicle bearing No.HR 38L 4790, belonging to the petitioner, as arbitrary and illegal.

Heard Sri S.Lakshmi Narayana Reddy, learned counsel for the petitioner and the learned Assistant Government Pleader for Forests.

Since the proceedings under Section 44 of the A.P. Forest Act, 1967 (for short "the Act") were already initiated and pending before the respondent-authorities, I do not intend to go into the merits of the case. However, as the lorry belonging to the petitioner was seized on 18-7-2007 no purpose will be served by continuing to detain the same pending conclusion of the proceedings initiated under Section 44 of the Act, I deem it appropriate to dispose of the Writ Petition with a direction to respondent No.1 to release the lorry bearing No.HR 38-L 4790 to the petitioner, subject to the following conditions:

(1) The petitioner shall furnish a bank guarantee for a sum of Rs.5,00,000/- (Rupees five lakhs only)

and shall keep the said bank guarantee valid till the disposal of the proceedings initiated by respondent No.1 under Section 44 of the Act.

(2) On furnishing of bank guarantee and all valid documents, such as Registration Certificate etc., pertaining to the said lorry, respondent No.1 shall release the same to the petitioner.

(3) The petitioner shall not alienate or in any manner transfer the ownership of the lorry or alter the nature of the lorry and he shall produce the lorry as and when required by the respondents in connection with the confiscation proceedings.

Subject to the above, the Writ Petition is disposed of.

Dt.06-11-2007 C.V.Nagarjuna Reddy,J

Note:
Issue CC in two days.
(BO)

MNR